

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WISCONSIN**

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**HEATHER NELSON,**

**Plaintiff,**

**v.**

**Civil Case No.: 3:11-cv-307**

**SANTANDER CONSUMER USA, INC.,  
PATRICK K. WILLIS, CO., INC. d/b/a  
AMERICAN RECOVERY SERVICE, and  
ASSETSBIZ CORP. d/b/a ABC RECOVERY,**

**Defendants.**

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**PLAINTIFF'S MOTION IN LIMINE NO. 1 -- MOTION IN LIMINE TO  
EXCLUDE EXPERT OPINION TESTIMONY FROM ANY PERSON,  
INCLUDING DEFENDANTS' EMPLOYEES**

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Plaintiff requests this Court exclude expert opinion testimony from any individual, including defendants' employees.

**ARGUMENT**

Plaintiff seeks to exclude expert opinion testimony from any person, including defendants' employees, on behalf of any of the defendants. Defendants should not be allowed to rely on expert opinion of any person who was not disclosed in a timely manner pursuant to Federal Rule of Civil Procedure 26(a)(2)(A)-(D). Federal Rule of Civil Procedure 26(a)(2)(D) requires a party, absent stipulation or court order, to disclose the identity of any witness it may use at trial to present evidence under Federal Rule of Civil Procedure 702, 703, or 705, at least 90 days before the date set for trial or for the case to be ready for trial.

To date, none of the defendants has disclosed the identity of any witness it may use at trial to present evidence under Federal Rule of Civil Procedure 702, 703, or 705—or provided

any of the disclosures required by Federal Rule of Civil Procedure 26(a)(2)(B) or (C). The time for disclosing expert witnesses, and to make the disclosures required by Federal Rule of Civil Procedure 26(a)(2)(B) or (C), has elapsed in this case. Therefore, defendants should not be allowed to rely on the expert opinion of any person who was not disclosed as an expert in a timely manner, including any of defendants' employees. The Court should exclude expert opinion testimony from any individual, including defendants' employees.

Respectfully submitted this 13<sup>th</sup> day of May, 2013.

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**ATTORNEYS FOR PLAINTIFF**